

REMARKS

Claims 1-23 are pending in this application. Claims 17-23 have been withdrawn. The Office rejected claims 1, 3, 4, 6-16 under 35 C.F.R. §102(b) and claims 2 and 5 under 35 C.F.R. §103(a). Claims 1, 3 and 5 have been amended in this response and new claims 24 and 35 have been added

Rejections under 35 U.S.C. §102(b) and 35 U.S.C. §103(a)

Claim 1 was rejected under 35 C.F.R. §102(b) as being anticipated by U.S. Patent No. 6,392,206 issued to Von Arx et al. (hereinafter “Von Arx”) and claims 1, 3, 4, 6-16 were rejected as being anticipated by U.S. Patent No. 5,271,085 issued to Carballo (hereinafter “Carballo”).

Applicants have amended the claims to clarify the invention. As amended, independent claim 1 now includes the limitation of a first conductive trace in a spaced relation separate from the second conductive trace. Carballo and Von Arx do not anticipate and do not render obvious the independent claim because (1) they do not disclose, teach or suggest two conductive traces and (2) they do not disclose, teach or suggest two conductive traces that are separate from each other. In contrast, Von Arx discloses a single continuous resistance wire 12 as shown in FIG. 1 and FIG. 1a of Von Arx. One end of the resistance wire in Von Arx is connected to electrical connector 15 and the other end of the same resistance wire is connected to the second electrical connector 16. In between the two electrical connectors 15, 16 the resistance wire 12 is a single continuous wire in Von Arx. In contrast, the present invention requires two traces, a first and second conductive trace. Further in contrast to Von Arx and Carballo, the present invention requires that the two traces be separate. In Von Arx, the resistance wire is connected and

continuous as can be seen from FIG. 1 and in Carballo the electric heater 30 is continuous as can be seen from FIG. 3 of Carballo. For these reasons, independent claim 1 and its dependent claims are in a condition for allowance and the rejections under §102(b) and §103(a) should be withdrawn.

Furthermore, the present invention includes the limitation of a resistive layer that permits current to flow from one trace to the other trace. Carballo and Von Arx do not anticipate and do not render obvious the independent claim because (3) they do not disclose teach or suggest a resistive layer that permits current to flow from one trace to the other trace. In Von Arx, there is no such resistive layer that permits current to flow from one trace to the other. This is also the case with Carballo. Therefore, Carballo and Von Arx do not anticipate nor render obvious independent claim 1 and its dependent claims.

Remarks

It is not clear in the Office Action which elements of Von Arx and Carballo are deemed to correspond to the limitations of the present invention.

The Office states on page 3 of the Office Action that

The interchangeability of tape heaters and printed layer/ink heaters is generally well known in the art of electric heating and considered by the examiner to be within the scope of the Carballo device.

Applicants traverse this statement. If the Office is taking Official Notice with respect to the above Applicants request that the Office provide a prior art reference or other documentary evidence to support its assertion of official notice. MPEP §2144.03. There must be some form of evidence in the record to support an assertion of common knowledge. MPEP §2144.03.

Applicants contend that official notice cannot be taken with respect to using tape heaters and

printed ink heaters interchangeably. Applicants contend that their interchangeability is conditioned upon the particular heater application and that some printed ink heaters are not suitable where tape heaters are suitable. Furthermore, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. MPEP §2131.

With respect to claim 15, the Office states that
the intended use of the device is not germane to the
patentability of the device and has not been given
patentable weight.

Office Action at pg. 3. Applicants traverse this statement. Claim 15 states that the second body is a microfluidic device, a microcentrifuge tube or a micro-well plate. These limitations each have structural significance that cannot be ignored. For example, the second body can be formed to be either of these devices. Because the prior art does not disclose, teach or suggest the structural limitations associated with these devices, they are non-obvious and not anticipated. Applicants hold that the same argument is true for claim 16 which requires marrying the laminar body with the second body. Again, this claim includes structural significance that requires patentable attention.

With respect to claims 2 and 5, the Office states that
Carballo discloses the claimed invention with the exception
of explicitly calling for a PTC heating element. It is
generally known in the art to provide a PTC heating
element as a means to self regulate the heating device at
least as a safety measure. Such a change to the device of
Carballo would be obvious to one of ordinary skill of the
art. With respect to claim 5, Carballo discloses the claimed
invention except for a second heating element. It would
have been obvious to one having ordinary skill in the art at
the time the invention was made to, since it has been held
that mere duplication of the essential working parts of a
device involves only routine skill in the art.

Office Action at pg. 3. Applicants traverse this statement. A PTC element has different characteristics and there must be a teaching or suggestion in the prior art to incorporate such an element. Also, a second heating element is not obvious, especially its incorporation on the

second surface of the substrate as called for in the claim. If the Office is taking Official Notice with respect to the above Applicants request that the Office provide a prior art reference or other documentary evidence to support its assertion of official notice. MPEP §2144.03. There must be some form of evidence in the record to support an assertion of common knowledge. MPEP §2144.03.

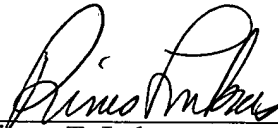
Conclusion

Applicants traverse all arguments of inherency and obviousness to one skilled in the art made with respect to certain dependent claims. In view of the foregoing remarks, applicants respectfully submit that the application is in a condition for allowance, and action toward that end is earnestly solicited. In the event that a telephone conference would expedite prosecution of this patent application, the Examiner is invited to contact the Attorney for Applicants at the number listed below.

Respectfully submitted,

Dated: November 18, 2005

By: _____


Rimas T. Lukas
Registration No. 46,451

Lukas IP Group
2707 18th Street
San Francisco, CA 94110
Telephone: (415) 641-7500
Facsimile: (415) 358-8590